

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 26269

PERMIT 18291

LICENSE _____

ORDER APPROVING A NEW DEVELOPMENT SCHEDULE

WHEREAS:

1. Permit 18291 was issued to Ernest Young and James Fattig on June 16, 1981 pursuant to Application 26269.
2. Permit 18291 was subsequently assigned to Ernest and Doris V. Young, Ken A. and Hazel F. Main, James and Mary A. Fattig, Steven P. and Terri L. Jorgensen, Robert B. and Carol L. Richeson, Harry M. and Carol R. Robertson, and Daniel A. and Linda G. York.
3. A petition for an extension of time within which to develop the project and apply the water to the proposed use has been filed with the State Water Resources Control Board.
4. The permittee has proceeded with diligence and good cause has been shown for said extension of time.

NOW, THEREFORE, IT IS ORDERED THAT:

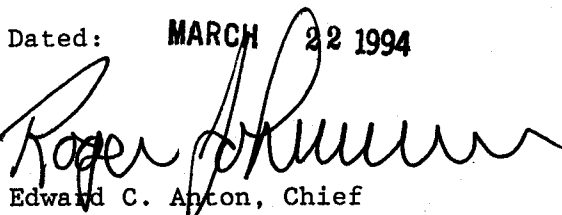
1. Condition 9 of the permit be amended to read:

COMPLETE APPLICATION OF THE
WATER TO THE PROPOSED USE
SHALL BE MADE ON OR BEFORE

December 31, 1999

(0000009)

Dated: **MARCH 22 1994**

761 
Edward C. Anton, Chief
Division of Water Rights

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER
18291

APPLICATION 26269

PERMIT 18291

LICENSE

ORDER APPROVING A NEW DEVELOPMENT SCHEDULE,
CHANGE IN PLACE OF USE AND AMENDING THE PERMIT

WHEREAS:

1. Permit 18291 was issued to Ernest Young, and James Fattig on June 16, 1981 and Permit 19573 was issued to Ernest and Doris Young and James and Mary Fattig "A Partnership" on July 12, 1985.
2. A petition for extension of time within which to develop the project and apply the water to the proposed use and a petition to expand and consolidate places of use have been filed with the State Water Resources Control Board.
3. The permittee has proceeded with diligence and good cause has been shown for extension of time and for the said change.
4. The Board has determined that the petitioned change does not constitute the initiation of a new right nor operate to the injury of any other lawful user of water.

NOW, THEREFORE, IT IS ORDERED THAT:

1. Paragraph 8 of the permit is amended to read as follows:

CONSTRUCTION WORK SHALL BE
COMPLETED ON OR BEFORE

December 31, 1989(0000008)

2. Paragraph 9 of the permit is amended to read as follows:

COMPLETE APPLICATION OF THE
WATER TO THE PROPOSED USE
SHALL BE MADE ON OR BEFORE

December 31, 1990(0000009)

3. Paragraph 4 of this permit regarding the place of use is amended as follows:

Domestic Use: Within SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 11, and SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 12, both within T6N, R5E, HB&M.

Irrigation Use: 53 acres located as follows:

20 acres within SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 12, T6N, R5E, HB&M

33 acres within SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 11, T6N, R5E, HB&M

4. Paragraph 12 of this permit is deleted. A new paragraph 12 is added as follows:

Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust. (0000012)

5. Paragraph 18 is added to this permit as follows:

Permittee shall install and maintain separate in-line totalizing flow measuring devices to record diversions from the spring under this permit and the stream under Permit 18291. The measuring devices shall be acceptable to the Board and installed not later than January 1, 1988. Records of monthly flows shall be maintained by the permittee and the amounts reported to the Board annually in the "Progress Report by Permittee".

Dated: **SEPTEMBER 16 1987**

Raymond Walsh

Raymond Walsh, Chief
Division of Water Rights

STATE OF CALIFORNIA
THE RESOURCES AGENCY
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

PERMIT FOR DIVERSION AND USE OF WATER

PERMIT 18291

Application 26269 of ERNEST YOUNG AND JAMES FATTIG

(over)

P O BOX 395, SALYER, CALIFORNIA 95563

filed on MARCH 28, 1980, has been approved by the State Water Resources Control Board SUBJECT TO VESTED RIGHTS and to the limitations and conditions of this Permit.

Permittee is hereby authorized to divert and use water as follows:

1. Source:

Tributary to:

UNNAMED STREAM (AKA BUTTERFLY CREEK)

SHARBER CREEK THENCE

TRINITY RIVER THENCE

KLAMATH RIVER

2. Location of point of diversion:	40-acre subdivision of public land survey or projection thereof	Section	Town- ship	Range	Base and Meridan
NORTH 700 FEET AND WEST 450 FEET FROM E1/4 CORNER OF SECTION 11	SE1/4 OF NE1/4	11	6N	5E	H

County of TRINITY

3. Purpose of use:	4. Place of use:	Section	Town- ship	Range	Base and Meridan	Acres
STOCKWATERING						
DOMESTIC						
IRRIGATION	SE1/4 OF SE1/4	11	6N	5E	H	15
	SW1/4 OF SW1/4	12	6N	5E	H	20
					TOTAL	35

The place of use is shown on map filed with the State Water Resources Control Board.

5. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 0.5 CUBIC FOOT PER SECOND TO BE DIVERTED FROM MAY 1 TO OCTOBER 15 OF EACH YEAR. THE MAXIMUM AMOUNT DIVERTED UNDER THIS PERMIT SHALL NOT EXCEED 150 ACRE-Feet PER YEAR.

(0000005)

6. The amount authorized for appropriation may be reduced in the license if investigation warrants. (0000006)

7. Actual construction work shall begin on or before two years from date of permit and shall thereafter be prosecuted with reasonable diligence, and if not so commenced and prosecuted, this permit may be revoked.

(0000007)

8. Said construction work shall be completed on or before DECEMBER 1, 1984. (0000008)

9. Complete application of the water to the proposed use shall be made on or before DECEMBER 1, 1985 (0000009)

10. Progress reports shall be submitted promptly by permittee when requested by the State Water Resources Control Board until license is issued. (0000010)

11. Permittee shall allow representatives of the State Water Resources Control Board and other parties, as may be authorized from time to time by said Board, reasonable access to project works to determine compliance with the terms of this permit. (0000011)

12. Pursuant to California Water Code Sections 100 and 275, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to minimizing waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement such programs as (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation. (0000012)

13. The quantity of water diverted under this permit and under any license issued pursuant thereto is subject to modification by the State Water Resources Control Board if, after notice to the permittee and an opportunity for hearing, the Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the Board finds that (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges. (0000013)

14. THE EQUIVALENT OF THE CONTINUOUS FLOW ALLOWANCE FOR ANY 30-DAY IRRIGATION PERIOD MAY BE DIVERTED IN A SHORTER TIME, PROVIDED THERE BE NO INTERFERENCE WITH OTHER VESTED RIGHTS AND INSTREAM BENEFICIAL USES; AND PROVIDED FURTHER THAT ALL TERMS OR CONDITIONS PROTECTING INSTREAM BENEFICIAL USES BE OBSERVED. (0000017)

15. FOR THE PROTECTION OF FISH AND WILDLIFE, PERMITTEE SHALL DURING THE PERIOD MAY 1 THROUGH OCTOBER 15 BY-PASS A MINIMUM OF 0.3 CUBIC FOOT PER SECOND. THE TOTAL STREAMFLOW SHALL BE BY-PASSED WHENEVER IT IS LESS THAN THE DESIGNATED AMOUNT FOR THAT PERIOD. (0140060)

16. NO WATER SHALL BE DIVERTED UNDER THIS PERMIT UNTIL PERMITTEE HAS INSTALLED A DEVICE, SATISFACTORY TO THE STATE WATER RESOURCES CONTROL BOARD, WHICH IS CAPABLE OF MEASURING THE FLOW REQUIRED BY THE CONDITIONS OF THIS PERMIT. SAID MEASURING DEVICE SHALL BE PROPERLY MAINTAINED. (0060062)

17. IN ACCORDANCE WITH SECTION 1601, 1603, AND/OR SECTION 6100 OF THE FISH AND GAME CODE, NO WORK SHALL BE STARTED ON THE DIVERSION WORKS AND NO WATER SHALL BE

P1829.1:

1-23-87 ownership chgd to Ernest & Doris V. Young; James B.
& Mary A. Fattig; Robert B. & Carol Richeson; Steven &
Terri L. Jorgensen; Henry & Carol Robertson
4-16-92 asgd to Daniel A & Linda S. York;

DIVERTED UNTIL PERMITTEE HAS ENTERED INTO A STREAM OR LAKE ALTERATION AGREEMENT WITH THE DEPARTMENT OF FISH AND GAME AND/OR THE DEPARTMENT HAS DETERMINED THAT MEASURES TO PROTECT FISHLIFE HAVE BEEN INCORPORATED INTO THE PLANS FOR CONSTRUCTION OF SUCH DIVERSION WORKS. CONSTRUCTION, OPERATION, AND MAINTENANCE COSTS OF ANY REQUIRED FACILITY IS THE RESPONSIBILITY OF PERMITTEE.

(0000063)

Add the names Paul Jorgensen and Joseph Brooks and delete the names Henry M. and Carol R. Robertson

11-13-01 DELETION OF DANIEL YORK & LINDA YORK, AND ADDITION OF JOSEPH BROOK

This permit is issued and permittee takes it subject to the following provisions of the Water Code:

Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Dated: JUNE 16 1981

STATE WATER RESOURCES CONTROL BOARD

Raymond Walsh
Chief, Division of Water Rights